

Attorney Docket No. 46963-DIV (71417)  
U.S.S.N. 09/228,020  
Filing date: January 11, 1999  
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### **Pending Claims**

Claims 1-64 are pending. Claims 1-19, 21 and 22 have been withdrawn from consideration. Claims 20 and 23 to 64 have been subjected to an Election of Species Requirement. Upon entry of this Amendment and Response, claims 20, 23-39, 42, and 44-47 are presented for examination. No new matter is provided by this amendment. Support for the amendment may be found throughout the specification and at least at page 11, lines 15-20.

### **Response To Election Of Species Requirement**

The Examiner asserts that the application contains claims directed to a number of patentably distinct species listed at page 1, paragraph 3, of the Office Action mailed April 17, 2002. The Examiner further asserts that heterologous nucleic acids may represent an additional species if not included in the groups set forth as (B) to (F) (see, paragraph 5 of the Office Action). The group defined as "species A" at paragraph 3 of the Office Action is unclear because the Examiner states this species represents endothelial cell progenitors which are "not transfected nor coupled with an agent recited in claim 48"; however, claim 48 recites transfected EC progenitors.

Applicants traverse the requirement; however, solely to expedite prosecution of the application and without prejudice to pursuing these or related claims in continuing or other related applications, Applicants have cancelled claims reciting transfected or coupled cells. Applicants believe that this is responsive to the Election of Species requirement and respectfully requests that the Examiner call Applicants' agent of record if the Examiner believes that further amendments are necessary.

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